

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IRA BROUS and MICHELLE  
SCHUSTER**, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

**ELIGO ENERGY, LLC and ELIGO  
ENERGY NY, LLC,**

Defendants.

Case No.: 1:24 Civ. 01260 (ER)

**PLAINTIFFS' NOTICE OF MOTION FOR LEAVE TO FILE A SECOND AMENDED  
COMPLAINT**

**PLEASE TAKE NOTICE** that pursuant to Federal Rules of Civil Procedure 15 and 16, Local Civil Rule 15.1, and this Court's June 6, 2025 Order authorizing the filing of this Motion, Plaintiffs Michelle Schuster and Anne Brous, on behalf of the estate of deceased Plaintiff Ira Brous, by their undersigned attorneys, will move the Court before the Honorable Edgardo Ramos at the United States District Courthouse, 40 Foley Square, New York, New York 10007, on such day and time as counsel may be heard, for an Order granting leave to file Plaintiffs' proposed Second Amended Complaint.

In support of this Motion, Plaintiffs will rely on the accompanying Memorandum of Law in Support, a clean version of the proposed Second Amended Complaint, attached as Exhibit A to this Notice of Motion, and a redline showing the differences between the First Amended Complaint and the proposed Second Amended Complaint, attached to this Notice of Motion as Exhibit B.

Pursuant to the Court's June 6, 2025 Order, Defendants will file their opposition brief by July 18, 2025, and Plaintiffs will file a reply brief by July 25, 2025.

Dated: June 27, 2025  
New York, New York

**WITTELS MCINTURFF PALIKOVIC**

By: /s/ J. Burkett McInturff  
J. Burkett McInturff  
Jessica L. Hunter  
Tiasha Palikovic  
305 Broadway, 7th Floor  
New York, New York 10007  
Tel: (914) 775-8862  
jbm@wittelslaw.com  
jlh@wittelslaw.com  
tp@wittelslaw.com

**FINKELSTEIN, BLANKINSHIP,  
FREI-PEARSON & GARBER, LLP**

D. Greg Blankinship  
Erin Kelley  
1 North Broadway, Suite 900  
White Plains, New York 10601  
Tel: (914) 298-3281  
gblankinship@fbfglaw.com  
ekelley@fbfglaw.com

*Counsel for Plaintiffs and the Proposed Class*